

**RECEIVED  
CENTRAL FAX CENTER**

JUN 10 2004

**Yee &  
Associates, P.C.**13760 Noel Road  
Suite 900  
Dallas, Texas 75240**OFFICIAL**Main No. (972) 367-2001  
Facsimile (972) 367-2008**Facsimile Cover Sheet**

To: Commissioner for Patents for <b>Examiner Srilakshmi K. Kumar</b> Group Art Unit 2675	Facsimile No.: 703/872-9306
From: Dell Whitton for Krista Douthitt Senior Paralegal to Duke Yee	No. of Pages Including Cover Sheet: 3
Message:  Enclosed herewith: <ul style="list-style-type: none"><li>• Transmittal Document; and</li><li>• Notice of Appeal.</li></ul>	
Re: Application No. 10/044,728 Attorney Docket No: RSW920010154US1	
Date: Thursday, June 10, 2004	
<b>Please contact us at (972) 367-2001 if you do not receive all pages indicated above or experience any difficulty in receiving this facsimile.</b>	<i>This Facsimile is Intended only for the use of the addressee and, if the addressee is a client or their agent, contains privileged and confidential information. If you are not the intended recipient of this facsimile, you have received this facsimile inadvertently and in error. Any review, dissemination, distribution, or copying is strictly prohibited. If you received this facsimile in error, please notify us by telephone and return the facsimile to us immediately.</i>

**PLEASE CONFIRM RECEIPT OF THIS TRANSMISSION  
BY FAXING A CONFIRMATION TO 972-367-2008.**

#7  
LTUSBY3  
RECEIVED  
CENTRAL FAX CENTER  
6/15/04  
JUN 10 2004

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: HaynesSerial No.: 10/044,728Filed: January 11, 2002For: Pointing Device Attribute  
Variance Based on Distance/Time  
Ratio

§ Group Art Unit: 2675  
§  
§ Examiner: Srilakshmi K. Kumar  
§  
§ Attorney Docket No.: RSW920010154US1  
§

OFFICIAL

## Certificate of Transmission Under 37 C.F.R. § 1.8(a)

I hereby certify this correspondence is being transmitted via facsimile to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, facsimile number (703) 872-9306, on June 10, 2004.

By: Dell Whitton

Dell Whitton

NOTICE OF APPEAL

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the office action dated April 21, 2004 finally rejecting claims 1, 3, 5-11 and 13-18.

A fee of \$330.00 is believed to be necessary. Please charge this fee to IBM Corporation Deposit Account No. 09-0461. In the event that any additional fees are required for the prosecution of this application, please charge any necessary fees to IBM Corporation Deposit Account No. 09-0461. No extension of time is believed to be necessary. If, however, an extension of time is needed, the extension is requested and the fee for this extension should be charged to IBM Corporation Deposit Account No. 09-0461.

Respectfully submitted,

Duke W. Yee  
Duke W. Yee  
Reg. No. 34,285  
YEE & ASSOCIATES, P.C.  
P.O. Box 802333  
Dallas, Texas 75380  
(972) 367-2001  
ATTORNEY FOR APPLICANT

06/15/2004 LDIGGS 00000001 090461 10044728

01 FC:1401 330.00 DA

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Haynes

Serial No.: 10/044,728

Filed: January 11, 2002

For: Pointing Device Attribute  
Variance Based on Distance/Time  
Ratio

§ Group Art Unit: 2675

§

§ Examiner: Srilakshmi K. Kumar

§

§ Attorney Docket No.: RSW920010154US1

§

§ Certificate of Transmission Under 37 C.F.R. § 1.8(a)  
I hereby certify this correspondence is being transmitted via  
facsimile to the Commissioner for Patents, P.O. Box 1450,  
Alexandria, VA 22313-1450, facsimile number (703) 872-9306 on  
June 10, 2004.  
By: Dell Whitton  
Dell Whitton

TRANSMITTAL DOCUMENTCommissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-145036736  
PATENT TRADEMARK OFFICE  
CUSTOMER NUMBER

Sir:

ENCLOSED HEREWITH:

- Notice of Appeal

A fee of \$330.00 is believed to be necessary. Please charge this fee to IBM Corporation Deposit Account 09-0461. In the event that any additional fees are required for the prosecution of this application, please charge any necessary fees to IBM Corporation Deposit Account 09-0461. No extension of time is believed to be necessary. If, however, an extension of time is needed, the extension is requested and the fee for this extension should be charged to IBM Corporation Deposit Account 09-0461.

Respectfully submitted,

Duke W. Yee  
Duke W. Yee  
Registration No. 34,285  
YEE & ASSOCIATES, P.C.  
P.O. Box 802333  
Dallas, Texas 75380  
(972) 367-2001  
ATTORNEY FOR APPLICANT